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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/764,394	12/11/96	WATANABE	H 7217/52300

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LM61/0526

EXAMINER

NGUYEN, C

ART UNIT	PAPER NUMBER
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2732

DATE MAILED: 05/26/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/764,394

Applicant(s)
Watanabe et al.

Examiner
Chau T. Nguyen

Group Art Unit
2732



☒ Responsive to communication(s) filed on Apr 27, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
2. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The first CPU (lines 11-16) and the second CPU (lines 22-27) for "compressing said first output digital audio into first audio data and expanding said first audio data into said first input digital audio signal" are not supported by the original disclosure.
3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the text in lines 7-16 is confusing since it appears that the first output digital audio signal and the first input digital audio signal are the same since the first output digital audio signal is compressed into first audio data, and the first audio data is expanded into the first input digital audio signal. Similar ambiguity appears at lines 24-27.

In claims 3 and 5, it is not clear what is disclosed that corresponds to the addresses assigned to the CPU's of claim 3 or the connection control means of claim 5.

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As disclosed at pages 22 and 23, IP addresses are assigned to the telephone sets, not the CPU or the control means.

In claim 6, "said identifying number" (last line) lacks clear antecedent basis since first and second identifying numbers are recited at line 3.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwami et al. (Iwami) in view of Eckley. In U.S. patent No. 5,604,737 Iwami discloses a plurality of communication terminals 10 connected to a server 20 for communicating voice using packets. The claimed CPU's read on the processor 17 located in each terminal 10. See Fig. 1, 2 and col. 7 and 8. Iwami does not teach connection control means for connecting the processors 17 (CPU) of the terminals 10 to the server 20 to a

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telephone network. It is common knowledge in the art that if Local Area Network connecting terminals to a sever is not available, terminals are often connected to a server via a telephone line. In U.S. patent No. 4,740,963 Eckley shows a multiplexer/demultiplexer 49 and a modem 50 91 for connecting voice and data terminals to a single telephone line. See Fig. 2 and col. 4. In view of Eckley, to use a multiplexer/demultiplexer and a modem for connecting a plurality of processors 17 in the terminals 10 to a telephone line would have been obvious to one of ordinary skill in the art with the motivation being to simultaneously transmit/receive data from a plurality of sources over a telephone line.

6. Applicant's arguments filed 04/27/98 have been fully considered but they are not persuasive. The Proposed Drawing Changes have not been received.

On pages 6 and 7 of the Response it is argued that the combination of the references fails to show first and second telephone sets connected to a telephone line via a modem. In reply, Iwami shows connecting a plurality of terminals (telephone sets) to a server via a LAN. Eckley shows the use of multiplexer/demultiplexer and modem to transmit/receive data to/from a plurality of sources via a telephone line. It should be noted that in term of bits, there is no difference between voice data and other types of data. The combined teachings of Iwami in view of Eckley result in transmitting voice data from a plurality of terminals to a sever via a multiplexer and a modem connected to a single telephone line. The combination of the references makes obvious the

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invention because it is common practice in the art to connect terminals to a server using a telephone line if a LAN is not available.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications; please mark
"EXPEDITED PROCEDURE")

Or:

(703) 308-5403 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

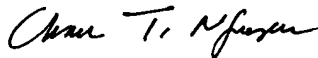
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau T. Nguyen whose telephone number is (703) 308-5340. The examiner can normally be reached on Monday through Friday from 7AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Olms, can be reached on (703) 305-4703. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

C.Nguyen
(703)308-5340


Chau T. Nguyen
Primary Examiner